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John E. Whitaker Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			KANG, INSUN	
			ART UNIT	PAPER NUMBER
			2124	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/489,878	DAS, MANUVIR
	Examiner	Art Unit
	Insun Kang	2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 June 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-36 and 52-56 is/are pending in the application.
 4a) Of the above claim(s) 37-51 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-36 and 52-56 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed 6/14/2004.
2. As per applicant's request, claims 1, 4-7, 9-15, 17-20, 22-25, 27-30, 32-36, 52, 53, and 55 have been amended and claims 37-51 have been cancelled. Claims 1-36 and 52-56 are pending in the application.

Claim Objections

3. The objection to claims 1, 5, 6, and 55 has been withdrawn due to the amendment to the claims.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 5, and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, it is not clear how a label is "propagated...such that the label of the one of the two locations is a subset of the other of the two locations." The specification reiterates this statement on page 11 and 22 but gives no explanation on how the propagation is performed. Claims 2-4 are rejected for being dependent on a rejected parent claim(s). See the examiner's response below regarding the rejection.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 15, 16, 20, 21, 25, 26, 30, 31, and 54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 15, 20, 25, and 30 recite "the first location points to the other of the two locations." It is unclear as to which locations they are referring. See the examiner's response below regarding the rejection.

Claims 16, 21, 26, and 31 recite, "determining that the program is correctly typed." It is unclear as to what a program to be correctly typed means.

8. The term "about" in claim 54 is a relative term, which renders the claim indefinite. The term "about" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. See MPEP 2173.05(b). See the examiner's response below regarding this rejection.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1-36 and 52-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Points-to Analysis in Almost Linear Time" by Bjarne Steensgaard (1/1996) in view of Andersen ("Program Analysis and Specialization for the C Programming Language," 5/1994).

In regard to Claim 1:

Steengaard teaches processing an assignment between two variables in a program...with a content wherein processing an assignment includes forming a relationship between two locations that are related to the two variables (page 35, Figure 3, Equation 1). Steensgaard does not explicitly teach that the two locations are selected to be one level of indirection away from a level associated with the assignment. However, Andersen teaches that such constraint sub-typing rules at assignments to one level was well known in the art of software development and performance analysis, at the time applicant's invention was made, to achieve more precise pointer analysis (page 111, section 4.1.2, 4.4.4, 4.5.1-2) such as those disclosed in Andersen. It would have been obvious for one having ordinary skill in the art of software development and performance analysis to modify Steensgaard's disclosed system to use Andersen's constraint sub-typing rules. The modification would be obvious because one having ordinary skill in the art would be motivated to provide more precise alias information in a pointer analysis as suggested by Andersen (page 111, section 4.1.2, 4.4.4, 4.5.1-2). Steensgaard further discloses that each location includes a label and content, and wherein a content of one of the two locations is selectively unified with a content of the other of the two locations (page 35, Figure 3, Equation 1).

Steengaard does not explicitly teach propagating a label of one of the two locations to a label of the other of the two locations such that the label of the one of the two locations is a subset of the other of the two locations. Andersen, however, does teach that the name of one variable, X_{1a}, contains at least the name of the other variable X_{1b} (page 111, section 4.1.2, 4.4.4, 4.5.1-2). Therefore, it would have been obvious to one having ordinary skill in the art of software development and performance analysis, at the time applicant's invention was made, to process an assignment between two variables in a program where the variables contain labels, as taught by Steensgaard, where the label of one variable is propagated such that one variable label is a subset of another variable label, as taught by Andersen, since if both variables are pointers, the left hand variable now points to the set of variables that the right hand variable points to, which makes the right hand set a subset of the left hand set (page 111, section 4.1.2, 4.4.4, 4.5.1-2).

Per claim 2:

The rejection of claim 1 is incorporated, and further, it would be obvious to delay propagation, since altering the name of a variable while the variable is in use will later the results of the assignment, and produce invalid results.

Per claim 3:

The rejection of claim 1 is incorporated, and further, Andersen teaches forming a points-to graph by graphically display assignments (page 111, section 4.1.2, 4.4.4, 4.5.1-2).

Per claim 4:

The rejection of claim 3 is incorporated, and further, Andersen teaches forming nodes and flow lines to indicate relationships between locations (page 111, section 4.1.2, 4.4.4, 4.5.1-2).

Claim 5 is a computer readable medium version that corresponds to method claim 1, and is rejected for the same reasons set forth in connection with the rejection of claim 1 above.

Per claim 7:

Steensgaard teaches forming a location for at least one variable in the program, wherein the location includes a label and a content (figure 1, and page 33, col. 2, lines 35-41). For the limitation, defining a relationship...two locations a subset of the label of the other of the two locations, this limitation corresponds to method claim 1, and is rejected for the same reasons set forth in connection with the rejection of claim 1 above.

Per claim 6, this claim is another version of the claimed method discussed in claim 7, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth the above.

Per claim 8:

The rejection of claim 6 is incorporated, and further, Steensgaard teaches forming a location that points to another location, and another defines a pointer-to location of the

location as claimed. $X=&Y$ shows that X contains a reference to a location, and that Y is that pointed-to location.

Per claim 9:

The rejection of claim 8 is incorporated, and further, Steensgaard teaches defining at least one level...defines another level of indirection (Figure 4). In this figure, variable a 's relationship with variable x , as well as variables b and c 's relationship with y define one level, where variable b 's relationship with variable z defines another level, since pointed-to location y points to pointed-to location z .

Per claim 10:

The rejection of claim 9 is incorporated, and further, Steensgaard teaches defining the relationship includes defining a relationship between the two locations that are in the same level of indirection (Figure 4). Variable y and V variable z are two locations on the same level that have a relationship.

Per claim 11:

The rejection of claim 9 is incorporated, and further, Steensgaard teaches defining the relationship between the two locations on different level of indirection (Figure 4). Variable b and variable z define locations on different levels that share a relationship.

Per claim 13, this claim is another version of the claimed method discussed in claim 8, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth the above.

Per claim 12, this is the base claim of claim 13 wherein all claim limitations also have been addressed and/or covered in cited areas as set forth the above.

Per claim 14:

The rejection of claim 13 is incorporated, and further, Steensgaard teaches assigning a second variable y to first variable x (Figure 3, Equation 1).

Per claim 16, Steensgaard teaches determining that the program is correctly typed given that the second variable is assigned to the first variable and wherein a content of the pointed-to location is selectively unified with a content of the second location (Figure 3, Equation 1). Steensgaard does not explicitly teach that the determination is made if only if the label of a pointed-to location of the second location is a subset of a label of a pointed-to location of the first location. Andersen, however, does teach that the constraint that the name of one variable, X_{1a} , contains at least the name of the other variable X_{1b} (page 111, section 4.1.2, 4.4.4, 4.5.1-2). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to perform the method of claim 15, further determining that the program is correctly typed given that the second variable is assigned to the first variable and wherein a content of the pointed-to location is selectively unified with a content of the second location, as taught by Steensgaard, where the determination is made if and only if the label of a pointed-to

location of the second location is a subset of a label of a pointed-to location of the first location, as taught by Andersen, since if both variables are pointers, the left hand variable now points to the set of variables that the right hand variable points to, which makes the right hand set a subset of the left hand set (page 111, section 4.1.2, 4.4.4, 4.5.1-2).

Per claim 15, this claim is another version of the claimed method discussed in claim 16, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth the above.

Per claim 17:

Steensgaard teaches forming a location for at least one variable in the program, wherein the location includes a label and a content (figure 1, and page 33, col. 2, lines 35-41) and forming a relationship between two locations upon an assignment of a first variable and an address of a second variable in the program (Figure 3, Equation 2). For the limitation, the two locations are selected... selectively unified, this limitation corresponds to method claim 12, and is rejected for the same reasons set forth in connection with the rejection of claim 12 above.

Per claims 18-21, they are another method versions of claims 13-16, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 13-16 above.

Per claim 22:

Steensgaard teaches forming a location for at least one variable in the program, wherein the location includes a label and a content (figure 1, and page 33, col. 2, lines 35-41) and forming a relationship between two locations upon an assignment of a first variable and a dereference of a second variable in the program (Figure 3, Equation 3). For the limitation, the two locations are selected...selectively unified, this limitation corresponds to method claim 12, and is rejected for the same reasons set forth in connection with the rejection of claim 12 above.

Per claims 23-26, they are another method versions of claims 13-16, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 13-16 above.

Per claim 27:

Steensgaard teaches forming a location for at least one variable in the program, wherein the location includes a label and a content (figure 1, and page 33, col. 2, lines 35-41) and forming a relationship between two locations upon an assignment of a dereference of a first variable and a second variable in the program (Figure 3, Equation 6). For the limitation, the two locations are selected...selectively unified, this limitation corresponds to method claim 12, and is rejected for the same reasons set forth in connection with the rejection of claim 12 above.

Per claims 28-31, they are another method versions of claims 13-16, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 13-16 above.

Per claim 32, it is the computer readable medium version of claim 12, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 12 above.

Per claim 33, Steensgaard teaches forming a relationship between two pointers, as in pointer b and pointer y in Figure 4 on Page 35.

Per claim 34, Steensgaard teaches an assignment between a first variable and the address of a second variable in the program (Figure 3, Equation 2).

Per claim 35, Steensgaard teaches an assignment between a first variable and the dereference of a second variable in the program (Figure 3, Equation 3).

Per claim 36, Steensgaard teaches an assignment between a dereference of a first variable and a second variable in the program (Figure 3, Equation 6).

Per claim 52:

Stensgaard teaches processing a plurality of assignment statements in a program to derive a plurality of sets of information, wherein the plurality of sets of information is distributed among a plurality of levels of indirection (Figure 4).

Stensgaard does not explicitly teach establishing a plurality of flow relationships... selected to be established one level of indirection away from each of the

assignment statements. However, Andersen teaches that such constraint sub-typing rules at assignments to one level was well known in the art of software development and performance analysis, at the time applicant's invention was made, to achieve more precise pointer analysis (page 111, section 4.1.2, 4.4.4, 4.5.1-2) such as those disclosed in Andersen. It would have been obvious for one having ordinary skill in the art of software development and performance analysis to modify Steensgaard's disclosed system to use Andersen's constraint sub-typing rules. The modification would be obvious because one having ordinary skill in the art would be motivated to provide more precise alias information in a pointer analysis as suggested by Andersen (page 111, section 4.1.2, 4.4.4, 4.5.1-2).

Steensgaard further discloses selectively unifying at least one of the sets of information in at least one level of indirection so as to allow a desired level of analytical precision within a desired duration of pointer analysis (Figure 5, Equation 1 and page 35, section 5.2).

Per claim 53:

The rejection of claim 52 is incorporated, and further, Steensgaard teaches in Figure 5, Equation 1 that if T_1 is not equal to T_2 the cjoin (T_1, T_2) , which implies that the sets will be selectively unified up to the first level of indirection.

Per claim 54:

The rejection of claim 52 is incorporated, and further, Steensgaard teaches that the desired duration of pointer analysis is about linearly proportional to the size of the program (page 37, column 1, lines 1-3) as claimed.

Per claim 55, it is the system version of claim 12, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 12 above. Further, compiling, building, and analyzing as claimed are inherent steps in this system in producing an executable program from source program, and it would be inherent to transform a source code into an object program by means of a compiler, builder, and analyzer.

Per claim 56:

The rejection of claim 55 is incorporated, and further, linking is an obvious step in the compilation process when multiple files in a single program are combined together, and a linker would be an obvious addition to the system of claim 55.

Response to Arguments

11. Applicant's arguments filed 6/14/2004 have been fully considered but they are not persuasive.

For the 112 first paragraph rejection:

The applicant states that "propagating a label is enabled by the specification" in page 22, lines 24-26. The specification appears to support the reason of propagation in page 23. However, the examiner points out that the portion in page 22 lines 24-26 recites, "the act of making a label of a location a subset of a label of another location includes an act of propagating the label." This portion does not describe the step(s) of propagating a label (how to propagate). It only states that the act of making a label

includes an act of propagating the label. Therefore, the rejection of claims 1-5 and 7 is still considered to be proper and maintained.

For the 112 second paragraph rejection:

The applicant states that:

Claim 12 recites one of the two locations and the other of the two locations. Claim 15 recites a first location and a second location. The first location of claim 15 points to the other of the two locations recited in claim 12, and the second location of claim 15 points to the one of the two locations recited in claim 12.

In response, the examiner points out that claim 12 does not recite what the one of the two locations and the other of the two locations are referring. The claim recites that there is only one location is formed and therefore, the limitation "forming the location includes forming a first location for the first variable and forming a second location for the second variable" does not make sense as only one location is formed. Further, claim 12 recites "a location for at least one variable" which indicates there may be only one variable. In this case, it is unclear how "the first location points to the other of the two location." Therefore, the rejection of the claim is still considered to be proper and maintained.

Per claims 16, 21, 26, and 31:

The applicant states that "the terms "well typed or "correctly typed" are used throughout the specification and refers to whether a program is well typed under a pointer analysis."

In response, it appears that the term "well typed" is explained in page 14 lines 22-25. However, the specification recites, "determining whether a program is well typed or

“correctly typed” in page 16 lines 21-23. This portion indicates that these are two different types. The term “correctly typed” is not explained in the specification. Accordingly, the rejection of the claims is still considered to be proper and maintained.

Per claim 54:

The applicant argues that:

Exactly linearly proportional may be near impossible due to the changing nature of programs themselves. One of ordinary skill in the art would know the range referred to by “about linearly proportional” without requiring further explanation.

In response, the examiner points out that the claimed limitation is not based on any known standard for measuring “linearly proportional” between the duration and the size of the program but on an unspecified measure. When exactly linearly proportional cannot be determined as the applicant admits, how “about linearly proportional” can be measured? See MPEP 2173.05(b). Accordingly, the rejection of claim 52 is still considered to be proper and maintained.

For the rejections based on the prior arts:

Per claim 6:

The Applicant states that:

In graphical form, this limitation is represented by a “flow line,” similar to the flow lines shown in Figures...this type of relationship is not established in Steensgaard...nowhere in Steensgaard is a relationship that can be graphically represented by a flow line disclosed.

In response to applicant's argument that the reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a flow line, flow relationship, graphical form, etc) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As such, the claims are read with the broadest reasonable interpretation in mind (Note MPEP 2111).

The claim does not recite defining a relationship that can be graphically represented by a flow line. Therefore, Steensgaard teaches defining a relationship between locations upon an assignment in the program as in claim 6. For the added limitation, "selected to be one level of indirection away from a level...assignment," a new ground of rejection is applied by the combined teachings of Steensgaard and Andersen. Accordingly, the rejection of claim 6 is considered proper.

Per claims 8-11:

The applicant states that claims 8-11 are allowable as being dependent on allowable base claim. As has been shown above, the rejection of the independent claim 6 by Steensgaard and Andersen is proper, the argument that claims 8-11 are allowable as being dependent on an allowable base claim is considered moot. Accordingly, the rejections of claims 8-11 are proper.

Per claims 1-5, 7, 12-14, 16-19, 21-24, 26-29, and 31-36:

The applicant's argument Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Per claim 52:

The applicant states that Steensgaard does not disclose the limitations of claim 52 for the reasons set forth in connection with claim 6. As shown above, the rejection of claim 6 by Steensgaard and Andersen is proper, and accordingly, the rejection of claim 52 is also considered to be proper.

Per claims 53 and 54

The applicant states that claims 53 and 54 are allowable as being dependent on allowable base claim. As has been shown above, the rejection of the independent claim 52 by Steensgaard and Andersen is proper, the argument that claims 53-54 are allowable as being dependent on an allowable base claim is considered moot.

Accordingly, the rejections of claims 53 and 54 are proper.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-F 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

I.Kang
11/2/2004

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